

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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NOT FOR PUBLICATION

MAJOR C. SEABURY,

Plaintiff,

-against-

CITY OF NEW YORK,

Defendant.

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MEMORANDUM  
AND ORDER

06-CV-1477 (NGG) (LB)

BLOOM, United States Magistrate Judge:

On March 31, 2006, plaintiff Major C. Seabury, appearing *pro se*, filed the instant fee-paid civil action against defendant. By Order dated September 25, 2006, the Court dismissed this action for lack of subject matter jurisdiction and entered judgment against plaintiff. Since the case has been closed, plaintiff has moved for default, to reopen, and for reconsideration and the Court has denied each request. The Court has also warned plaintiff that the continued filing of frivolous motions in this closed case could result in a filing injunction. Plaintiff now submits an "Affidavit of Notice of Petition and Supporting Papers" dated December 23, 2009.

This case is closed and no further action will be taken. Plaintiff is again warned that if he continues to file frivolous motions or other papers in this closed case, the Court shall enter an injunction barring him from filing submissions under this docket number and directing the Clerk of Court to return such submissions without filing. MLE Realty Assocs. v. Handler, 192 F.3d 259, 261 (2d Cir. 1999) (district court may enjoin parties from filing further lawsuits upon notice and an opportunity to be heard); In re Martin-Trigona, 9 F.3d 226, 228 (2d Cir. 1993) (federal court "may resort to restrictive measures that except from normally available procedures litigants who have abused their litigation opportunities.").

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied for the purpose of an appeal. Coppedge v. United States, 369 U.S. 438, 444-45 (1962).

SO ORDERED.

/S/

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LOIS BLOOM

United States Magistrate Judge

Dated: Brooklyn, New York  
December 29, 2009